

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007

PHONE (602) 364-1PET (1738) FAX (602) 364-1039

VETBOARD.AZ.GOV

COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: June 29, 2022 Case Number: 22-142

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Barbara Batke

Premise Name: YAVAPAI EMERGENCY PET CLINIC

Premise Address: 7876 E FLORENTINE

City: PRESCOTT VALLEY State: AZ Zip Code: 86314

Telephone: (928) 460-7282

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: GEORGE BREEN

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

RECEIVED

JUN 29 2022

Initial: _____

C. PATIENT INFORMATION (1):

Name: MAGGIE BREEN

Breed/Species: LAB/DOG

Age: 8 Sex: F/S Color: BLACK

PATIENT INFORMATION (2):

Name: N/A

Breed/Species: _____

Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

L PAIGE JOHNSON

BARBARA BATKE

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

VIKKI MCLAUGHLIN

SHARON KIRK

HIGH COUNTRY VET CLINIC 7568 E ADDIS AVE, PRESCOT VALLEY, AZ
86314

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: George W Breen

Date: 6-17-22

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

Maggie was seen by High Country Pet Clinic for a urinary problem at which time she was referred to Yavapai Emergency Pet Clinic for immediate surgery for her bladder being enlarged with several stones. Many hours later Maggie was taken into surgery and found to have many (referred to what looked like a sac of marbles) bladder stones and a severe infection as a result of the duration the stones were present in her bladder.

I received a call several hours later that Maggie was out of the surgery, did well, ALL the stones were removed, she was placed on antibiotics and should be ready to go home in the morning. I called approximately 10 am the following morning and was told she had not urinated yet so they wanted to keep her a bit longer at which time I let them know she WILL NOT urinate while kenneled. Vet Tech stated they wanted to try to assure Maggie would be fine and to call back in a few hours. I did call back approximately 1pm and was told that I now owed them (Yavapai Emergency Pet Clinic) another \$2,000 as Maggie stayed over her time limit? Needless to say, I was appalled at the forcefulness of person on the phone but told nothing of Maggie's progress and that I couldnt come get Maggie until I paid the \$2,000 on top of the already \$6,000 I paid the night before?

I immediately hung up and called my local Police Dept for direction as well as Maggie's Primary Doctor. I have never heard of such a thing! Obtaining direction I called Yavapai Emergency Pet Clinic back and stated I was coming to get my dog and I was not going to pay they additonal \$2,000 as they told me they needed to keep her until she urinated ~ Maggie has NEVER urinated in her kennel and pretty certain she wasnt going to start now. After several hours of back and forth negotiating, charges and aggravation I again stated I was coming to get Maggie at 7 pm and to have her ready. I also want to note that after the last phone call with Administration my original bill was reduced. I picked up Maggie at 7pm, took outside and she pee'd for what seemed like several minutes making a very large puddle in the parking lot assuring me that she had not urinated since dropping her off the previous day for what was said an "emergency surgery."

Let's move forward 11 days post syrgery when Maggie visited her Primary Doctor for staple removal. As a precuation it was decided to proceed with an additonal x-ray to assure Maggie's bladder was empty of the infection stones and no additional infection had set in. To our surprise, there was a very large stone very present still in her bladder. The stone was measured and was told the likelihood of a stone growing to this significant size in 11 days is almost impossible. It was missed in the previous surgery and if it cannot be treated with medication and specific diet, Maggie would need to have another surgery once she heals internally. THIS IS UNACCEPTABLE!!!!

We are currently awaiting culture results for continued UTI, a conference with the Institute in MN that tested Maggie's urine as well as type, growth rate, etc....I believe Yavapai Emergency Pet Clinic was negligenct in the surgery and having Maggie to have to go through it yet another surgery .

July 18th, 2022

In re: 22-142 (Barbara Batke, DVM)

Overview of Maggie Brean's care at Yavapai Emergency Animal Hospital

I, Dr. Barbara Batke, never examined or provided care to Maggie Brean. I am the Medical Director of Yavapai Emergency Animal Hospital and serve as the premise license holder. I have reviewed the case, received statements from all of my associate veterinarians that worked with Maggie Brean, and have discussed the case with the primary care veterinarian for Maggie at High Country Pet Clinic. Below is the medical review of Maggie Brean while at Yavapai Emergency Animal Hospital and the discussion of the case with the primary veterinarian after receiving this board complaint.

On March 16th, 2022, Maggie Brean was admitted to Yavapai Emergency Animal Hospital as a transfer from their primary veterinarian for difficulty urinating. On the same date, the primary veterinarian palpated an enlarged urinary bladder as Maggie was straining to urinate. An ultrasound was performed at the primary veterinarian and the results within the exam stated that the urinary bladder was distended with uroliths observed, the urethra was dilated and the urethra was easily followed with the ultrasound until it terminated at a suspected urolith. According to the primary veterinarians' records, no treatment was provided prior to transfer.

When Maggie was examined at Yavapai Emergency Animal Hospital, her vitals were stable and her abdomen palpated within normal limits and was not painful. The initial attending veterinarian was Dr. Marian Frost. Abdominal radiographs were performed that revealed many urinary bladder stones of varying sizes. Blood work revealed a stress leukogram and mildly elevated BUN. A urinalysis revealed marked amounts of neutrophils and bacteria. The results were reviewed with the owner and an emergency cystotomy with post-operative care was recommended. The owner agreed to the estimate provided and the cystotomy was performed by Dr. Marian Frost. Post-operative radiographs revealed the urinary bladder was clear of radio-opaque uroliths. A urine culture and urolith analysis were sent to outside labs. Patient recovered from anesthesia and remained in the hospital until March 17th. Dr. Marian Frost spoke with George Brean over the phone and told him she removed hundreds of urinary bladder stones, but not all of them as some were sand and grit remaining after multiple flushes of the urinary bladder with sterile saline.

The overnight veterinarian was Dr. Jennifer Kress. She maintained Maggie on IV fluids, cerenia, and unasyn. Maggie was observed straining a severe amount and passing small stones and grit, and so the decision was made to place a urinary catheter to allow relief. The patient was transferred to Dr. Paige Jackson on the morning of March 17th. Maggie did not urinate during the day while under the care of Dr. Paige Jackson. She performed a FAST scan with an ultrasound and did not observe free fluid in the abdomen and a small urinary bladder. Every 4

hours, Maggie was taken out to an outside run with turf and gravel to see if she would urinate and she did not try to urinate. Dr. Paige Jackson talked with the owner in the afternoon and recommend continued hospitalization vs discharging as outpatient where the owner would monitor her urination. Owner declined an estimate for continued hospitalization and elected to have Maggie discharged. A veterinary technician reviewed the completed discharges with owner and Maggie was discharged March 17th at 7:40 pm.

There were multiple follow-up calls requesting patient updates and to discuss urine culture and urolith analysis results and according the owner, Maggie was doing well. The owner never called with any concerns after Maggie was discharged from Yavapai Emergency Animal Hospital. Also, the primary care doctor from High Country Pet Clinic did not reach out to Yavapai Emergency Animal Hospital to discuss a concern about a remaining urinary bladder stone.

On July 6th, I called High Country Pet Clinic to discussed the follow up of Maggie Brean at their hospital. High Country Pet Clinic also sent over records and images to Yavapai Emergency Animal Hospital. I spoke with Dr. Nathan Boyer who stated that he had seen Maggie Brean on March 30th, 2022 for a suture removal. He discussed specific diet for urinary bladder health but Maggie Brean was not on a prescription diet at that time. Dr. Boyer recommend Maggie come back the following Saturday for a repeat urinalysis. Maggie Brean presumably saw Dr. Loen Ford on Saturday June 4th, 2022 and while urine was being collected via cystocentesis, a urinary stone was observed. This was discussed with George Brean and they recommended following up after being on a urinary diet for about a month. There is no record for June 4th at High Country Pet Clinic and the ultrasound image that was provided was not dated nor did it have a name associate to it. Radiographs were not performed at High Country Pet Clinic on March 30th or June 4th. Maggie Brean returned to High Country Pet Clinic on July 5th and radiographs were performed and one urinary bladder stone was visualized. A cystotomy was performed that day and the urinary bladder stone with marked amounts of sand-like stones and grit were also flushed out of the urinary bladder. This was the first time Yavapai Emergency Animal Hospital was ever made aware about Maggie Brean requiring a second surgery approximately 3 and 1/2 months after the cystotomy at Yavapai Emergency Animal Hospital.

The development of a subsequent urinary bladder stone, months later, was not surprising given the fact that after Dr. Marian Frost had removed hundreds of urinary bladder stones, some sand and grit still remained after multiple flushed of the urinary bladder with sterile saline.

Barbara Batke

DVM, Medical Director
Yavapai Emergency Animal Hospital

DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: AM Investigative Committee: Carolyn Ratajack - Chair
Christina Tran, DVM
Robert Kritsberg, DVM
Jarrod Butler, DVM
Steven Seiler

STAFF PRESENT: Tracy A. Riendeau, CVT – Investigations
Marc Harris, Assistant Attorney General

RE: Case: 22-142
Complainant(s): George Breen
Respondent(s): Barbara Batke, DVM (License: 6298)

SUMMARY:

Complaint Received at Board Office: 6/29/22
Committee Discussion: 11/1/22
Board IIR: 12/14/22

APPLICABLE STATUTES AND RULES:

Laws as Amended August 2018
(Lime Green); Rules as Revised September
2013 (Yellow).

On March 16, 2022, "Maggie," an 8-year-old female Labrador was presented to Respondent's premises for cystotomy surgery. Diagnostics were performed which confirmed multiple uroliths. Surgery was performed by Respondent's associate; the dog was hospitalized and passed a few stones overnight. The dog was discharged later that evening.

On April 2, 2022, the dog was presented to Dr. Ford at High Country Pet Clinic for a recheck. An ultrasound guided cystocentesis was performed to obtain a urine sample and a solitary bladder stone was noted. Dr. Ford could not say with certainty that the stone had been left behind from the prior surgery as bladder stones can form relatively early. The dog was placed on c/d diet exclusively.

On July 5, 2022, the dog underwent a cystotomy surgery at High Country Pet Clinic. One large stone and a moderate amount of very small to sand-like uroliths were removed.

Respondent is the responsible veterinarian for the premises; she did not examine or treat the dog.

Complainant was noticed and did not appear.

Respondent was noticed and was available telephonically. Attorney David Stoll appeared. The Committee did not have questions for Respondent.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: *George Breen*
- Respondent(s) narrative/medical record: *Barbara Batke, DVM*
- Consulting Veterinarian(s) narrative/medical record: *High Country Pet Clinic*
- Witness(es) statement(s): *Vikki McLaughlin; and Sharon Kirk*

PROPOSED 'FINDINGS of FACT':

1. On March 16, 2022, the dog was presented to Dr. Boyer at High Country Pet Clinic for straining to urinate with no urine being evacuated. An ultrasound revealed a distended bladder with uroliths present and one appearing in the trigone. The dog did produce some urine in the exam room. Due to Dr. Boyer being the only veterinarian working that day with a full schedule, he was unable to perform the cystotomy. The dog was referred to an emergency facility - Yavapai Emergency Animal Hospital (YEAH).

2. Later that day, the dog was presented to YEAH as a direct referral from the primary care veterinarian who had diagnosed urocystoliths with urethral obstruction. Dr. Frost examined the dog; multiple urocystoliths were seen on ultrasound and confirmed with radiographs. Surgery was recommended and analysis of the bladder stones that were removed to determine the appropriate diet to help decrease recurrence. An estimate for diagnostics, surgery, and hospitalization with supportive care was approved by Complainant.

3. Blood and urine were collected for testing. An IV catheter was placed; the dog was pre-medicated with methadone and midazolam; induced with propofol; intubated; and maintained on isoflurane and oxygen. Dr. Frost entered the abdomen, noted a markedly distended urinary bladder; the bladder was manually expressed, and multiple stones passed out through the urethra. A cystotomy was created on the ventral surface of the bladder – hundreds of cystoliths ranging from 1cm to sand grain in size were manually removed. An 18 French red rubber catheter was passed normograde with no resistance through the urethra and visualized exiting the vulva. The urethra was flushed as the catheter was withdrawn. The urinary bladder was alternately flushed with sterile saline and wiped with sterile gauze, removing tiny stones and sand until no stones or sand were observed. The urinary bladder was closed in a double inverting pattern. The abdominal incision was closed in the standard 3-layer fashion. A sample of the stones was sent to University of Minnesota for analysis. A urine culture and sensitivity was submitted to the lab to ensure the dog was on the correct antibiotic.

4. Due to the dog's rough recovery dexmedetomidine was administered. Post-operative radiographs showed no apparent cystoliths. Dr. Frost updated Complainant on her findings and that the dog was in recovery.

5. The dog remained hospitalized overnight. There was some straining and passing of small

stones and grit. A urinary catheter was passed to provide relief. Complainant was provided with an update. Later that evening, the dog was discharge with gabapentin, amoxicillin, and carprofen. Complainant was also instructed to follow up with his primary care veterinarian.

6. On March 30, 2022, the dog was presented to Dr. Boyer at High Country Pet Clinic for suture removal post-cystotomy. Since the dog had just finished the antibiotics, it was too early to recheck a urinalysis. Dr. Boyer recommended returning in 3 days for a urinalysis.

7. On April 2, 2022, Dr. Ford at High Country Pet Clinic performed a recheck urinalysis. The urine was obtained with an ultrasound guided cystocentesis; at that time Dr. Ford identified a solitary bladder stone approximately 1 x 1.5cm in size. Dr. Ford recommended performing another urinalysis in approximately 2 months. Complainant asked if the current stone was possibly left behind from the prior surgery. Dr. Ford explained that bladder stones can form relatively quickly in the face of infection and other metabolic factors but he would be unable to conclusively answer that question. Hill's c/d diet was recommended exclusively and Complainant was asked to return for further testing in the future. Complainant was to monitor for straining to urinate or any other medical concerns.

8. On June 7, 2022, the dog was presented to Dr. Boyer for a urinalysis and the bladder stone had increased in size. The dog was started on antibiotics and a cystotomy was recommended since the stone was increasing in size; the diet was not helping.

9. On July 5, 2022, the dog was presented to Dr. Boyer for a cystotomy where one large stone and moderate amount of very small to sand-like uroliths were retrieved.

COMMITTEE DISCUSSION:

The Committee discussed that Respondent did not have any involvement in the matter. As responsible veterinarian for the premises, the medical records and premises involvement appeared in order, however there were concerns regarding the care and treatment of the dog.

The Committee was satisfied that another complaint was opened regarding the concerns they had regarding the treatment of the dog.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the Veterinary Practice Act occurred.

COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 5 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

TR

Tracy A. Riendeau, CVT
Investigative Division